

*The Commonwealth of Massachusetts*  
*Department of Public Safety*  
*Architectural Access Board*  
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**Board Meeting – June 4, 2012**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Andrew Bedar, Member (AB)
- Mark Trivett, Member (MT)
- Diane McLeod, Vice Chair (DM)
- Walter White, Executive Office of Public Safety Designee (WW)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Gerald LeBlanc, Member (GL)
- Donald Lang, Chair (DL)
- Carol Steinberg, Member (CS)
- Myra Berloff, Massachusetts Office on Disability Designee (MB)

1) **Incoming:** Stone Institute, 277 Eliot St., Newton (V12-129)

- TH
- EXHIBIT – variance application
  - existing building
  - two variance requests
  - recent inspection of existing lift
  - proposing the installation of a Stannah Stair Lift to install a 1939 lift; Mass. Elevator Inspector ordered upgrades, drop test ruined existing lift

- proposing the Stannah Stair lift in the interim of the new lift being installed
- proposing hydraulic elevator and removing stair in question
- first request is 6 month time variance

*MT - grant sixth month time variance*

*WW - Second – carries*

- TH - second variance is for a door on a magnetic hold open at the top of a ramp; required fire separation door
- door impedes on the landing when closed

*RG - grant*

*MT - second – carries*

\*\*\*\* Donald Lang, Chair (DL) – Now Present \*\*\*\*

\*\*\*\* Carol Steinberg, Member (CS) – Now Present \*\*\*\*

2) Incoming: New 3-Unit Residential Building, with Garage under, 215 D St., South Boston (V12-128)

- TH - EXHIBIT – variance application
- new woodframe 3 family built over enclosed garage
  - seeking to use vertical wheelchair lift to access the first floor

*CS - grant*

*AB - second – carries*

3) Incoming: McCarthy Properties, 263-271 Pleasant St., Northampton (V12-127)

- TH - EXHIBIT – Variance application
- sloping landings and proposing auto-openers
  - letter of support from Stavros

*AB - grant, as proposed*

*DM - second – carries*

4) Incoming: Nashua River Canoe Access, Ponakin Rd., Lancaster (V12-134)

- TH - EXHIBIT – variance application
- new parking lot, seeking to install stairs for access to the river

*CS - deny*

*RG - second – carries*

5) Incoming: Yawkey Way Ext. Roadway Project, Brookline Ave, Maitland St., and Yawkey Way, Boston (V12-131)

- TH - EXHIBIT – application
- three variances at curb cut locations due to existing bridges
  - 6 inches between sidewalk and vaults that are structural to the bridges that are adjacent
  - areas 1 and 2, curb cuts that have cross slopes of 3%

CS - *grant, based on tech. infeasibility*

DM - *second - carries*

- TH - Area 3, one curb cut on Yawkey Way Ext. at Brookline Ave., that will have a cross slope of 5.6%
- 2% required
  - again best that they can do because of the underground vault

CS - *grant, based on tech. infeasibility*

MT - *second - carries*

6) Incoming Discussion: Summit House, Joseph S. Skinner State Park, Hadley (V11-081)

- TH - seeking time extension to original June 1, 2012 completion date
- all of the other work, ramps, toilet rooms, and other public use areas of the building were to be completed by October of 2011
  - due to problems with site problems, entire rehab project was slowed, therefore delaying the entire project to the spring of 2012
  - all work proposed to be completed by October of 2012

WW - *grant to October 1, 2012, on the condition that no further extensions granted*

MT - *second*

CS - *what is the issue?*

- TH - totally inaccessible currently
- developing access throughout the facility and building

- *carries*

7) Incoming: Laser Tag Arena, 2087 Main St., Tewksbury (V12-133)

- TH - EXHIBIT – variance application
- spending over 30%
  - seeking variance for the ramp slopes up to the second level of the laser tag arena only; all aspects of the first floor will comply (arena, toilet rooms, restaurant, etc.)

WW - *grant as proposed, with conditions used in past cases regarding laser tag*

*AB - second – carries with CS abstaining*

8) Incoming: Tattoo Studio, 1780 Acushnet Ave., New Bedford (V12-132)

TH - EXHIBIT – variance application  
- free standing single 192 square feet  
- spending over 30%  
-propose portable ramp

*CS - grant as proposed*

*WW - second - carries*

9) Incoming: Pearson Hall, Phillips Academy, 6 Great Quad Rd., Andover (V12-130)

TH - EXHIBIT – variance application  
- over 30%  
- multiple requests

*CS - hearing*

*DM - second – carries*

10) Discussion: Curb Cuts and Crosswalks at Summer and Central St., Somerville (C10-278)

TH - previous hearing before the Board  
- ordered a third party review at the hearing  
- Somerville objects to the third party review; based on the fact that both a consultant and the City engineer felt that the design was the best possible, and the fact that the Board staff dismissed the case  
- City seeking motion for reconsideration

CS - need to let Complainant know of the City’s motion for reconsideration

*RG - motion to table the discussion until the June 18, 2012 meeting*

*AB - second – carries*

11) Discussion: 53 Complaints, various locations, Somerville (various docket numbers)

TH - ordered the City to prioritize the fixes for the outstanding complaints  
- 10 page response from Complainant Eileen Feldman regarding the City’s submittal

WW - complaint filed, decisions by the Board made, City of Somerville moving forward and trying to comply the best way that they can  
- at what point do we stop if the Complainant keeps responding saying that they are not satisfied with the response

- DM - should take her input into consideration, but do agree that the Board's decision is the final decision
- DL - agree that just because something is sent doesn't mean the decision of the Board will change, but will be considered
- DM - this has been going on for years between the Complainant and the City of Somerville, may take awhile for her to realize that she has brought about this change within the City of Somerville; she has to trust in the Board's process, but it may take awhile due to her history with the City of Somerville

*CS - table the discussion until 6/18/12*

*DM - second – carries*

\*\*\*\* Gerald LeBlanc, Member (GL) – Now Present \*\*\*\*

12) Incoming: 180 New Dwelling units, 4 buildings, 427 Walnut St., Lynnfield (V12-135)

- TH - EXHIBIT – variance application
- letter of support from ILC of North Shore and Cape Ann
  - new construction
  - seeking variance for sink depth issue, will provide sinks at no cost upon request

*DM - grant as proposed with the proposed conditions*

*MT - second – carries with WW not present*

13) Discussion: Dreamland Theater, 17 South Water St., Nantucket (V12-057)

- TH - request to change the date in the decision of 9/1/12 for exit balcony and repair
- seeking extension to 10/1/12 due to the construction moratorium

*AB - accept extension to 10/1/12 and allow issuance of temporary CO*

*CS - second – carries with MT opposed*

14) Incoming: Pizza Bakery, 17 ½ Old South Rd., Nantucket (V12-136)

- TH - EXHIBIT – variance application
- one floor pizza takeout, no seating
  - seeking variance for the front entrance, ramp entrance at the rear is closest to the parking and will most likely be used by all

*DM - grant as proposed*

*RG - second – carries with CS not present*

15) Discussion: Mass. Ave. Reconstruction, Albany St. to St., Botolph St., Boston (V10-084)

- TH - previously granted variance for the installation of a delineation at the areas of noncompliant slopes along the sidewalks in question  
- resistance from the City about installing delineation and they are proposing to put a large amount of furniture and signs in the furniture zone, where the slopes are not compliant

DM - *accept solution as proposed*

WW - *second – carries with CS not present*

16) Discussion: Isabella Stewart Gardner Museum, The Fenway, Boston (C12-031)

- TH - used a vertical wheelchair lift to provide relief to the second and third floor level balcony seating

- KS - decided on May 21, 2012 in favor of the complainant; submit variance or plan for compliance within 30 days receipt of the stipulated order

17) Discussion: Citizens Bank, 30 Brattle St., Cambridge (V12-051)

- TH - submittal from Petitioners  
- the petitioners have fixed the delay of the lift to 2 seconds  
- proposed lease language talking about commitment to repairing the lift  
- drawings show the placement of the ATM models at the street level

- DM - read lease language into the record

- TH - also a letter rebutting some of the testimony from MM regarding Citizens Bank

- CS - would like to see the contract between the lift company and the landlord

CS - *accept the proposed submittal for the proposed ATM location on the condition that the ATMs are in place prior to occupancy being issued*

DM - *second – carries*

CS - *grant the use of the lift, on the condition that the submitted language is in the lease, and have the petitioners submit the maintenance contract, showing language about best efforts for prompt repair of the lift when needed, within 14 days receipt of the decision of the Board, to be approved by the Board, based on tech. infeasibility*

DM - *second- carries with WW and GL*

18) Hearing: Sunshine Early Education Center, 302A Harvard St., Brookline (V12-027)

- DL - called to order at 11 a.m.  
- introduce the Board

Andrew Haber (AH)

Albert Fine (AF)

- DL - both sworn in  
- EXHIBIT 1 – AAB1-18

- AF - Coolidge Corner building between Harvard St., and a municipal parking

- center built 3 years ago and fully accessible
- municipal lot is higher than the first floor level, with existing lift at that end of the building, making both entrances accessible
- accessible laundry and bathrooms in the basement level
- seeking variance for 9 student classroom at the basement level

AH - 12 weeks to 5 ½ years old early education and care  
 - policy states that siblings of existing students are admitted under priority treatment to keep children together  
 - hence the reason for the additional classroom, enrollment has been 100% for the past 2 ½ years; 81 children capacity; asking for additional 9 student classroom at basement level; of the 9 students, 7 will be siblings of existing students

AF - cost estimate of \$200,000.00 for the installation of an elevator to the basement  
 - also looked at the installation of an inclined lift along the existing stairs  
 - issue is landing at the set of stairs with office space directly adjacent to the basement floor office space  
 - two means of egress out of the basement  
 - would have to building a wall along the office, and add structure to stairs and add stairs up to the office space  
 - will only be using 50% of the square footage at the basement level space  
 - elevator cost outweighs the benefit; \$50,000.00 incline lift would also be excessive cost without benefit

DL - what about expanding existing lift to the basement level

AF - the expansion would require the installation of a shaft and creation of penetration to go thru the floor; would have to replace the lift; and would also travel over 12 feet

DL - any limitation from the Town regarding increasing occupancy of the daycare?

AH - not our intention to use the basement space as classroom space on the long term, just serving existing families and siblings; will probably close the basement classroom once the children grow out of that age group  
 - not looking to expand capacity beyond 81-90 range

AF - also an existing daycare center up the street, and proposing another space to be open soon

AH - they are all within one square mile of each other, newest will be open by November of 2012, they are all accessible  
 - the newest facility will be the largest facility with outdoor space

CS - basement space is a large space

AF - 50% of the upstairs space; unoccupied space is crawl space, not usable

CS - what will go on there? Older siblings?

AH - younger siblings, 15 months to 2.9 years  
 - there are 3 existing toddler classrooms at the first floor, thus there won't be a disadvantage since someone with a disability could have there child at the accessible first floor

CS - show off child work?

AH - usually in the classrooms, will also use the rooms for parent teacher conferences

AH - teacher may bring children to the basement space for larger space usage on an occasional basis

CS - gross motor area on main floor?  
AH - yes, each classroom is large enough for gross motor skills  
- basement space will only be using a portion of the basement space  
- state regulations for childcare require 35 square feet per child; basement space exceeds requirements by 8-9 square feet

DL - windows at the first floor?  
AH - yes, at the ends of the building and skylights installed at the main floor for more light  
- no windows at basement level

MT - both floors sprinklered?  
AH - yes

DM - would feel comfortable granting, but for this use only

*DM - grant as proposed for this use only, filed with the registry of deeds within 60 days receipt of the decision of the board*

*MT - second*

*CS - provided all functions that are provided at the basement level are also available at the first floor*

*DM - accept amendment  
- carries*

19) Incoming Discussion: Colonial Hotel, 625 Betty Spring Rd., Gardner (V12-084)

TH - looked at it a second time on May 7<sup>th</sup>  
- received a plan and exterior photo, but the notes on the plan lead to other questions  
- they were seeking relief to a door that comes out to a new addition of the building  
- unsure of use  
- notation about tents?  
- voted to continue at the May 21<sup>st</sup> meeting  
- new addition to the building that goes out to a landing and a tent  
- secondary doorway that was created, not accessible, with a step

*DM - grant as proposed*

*GL - second –carries*

20) Discussion: Fairway Oaks Garden Condos, Westchester Dr., Haverhill (C08-115 and V09-077)

TH - further request to waive the balance of the fines that was reduced to 5% of the overall fines accrued

*DM - amount stands, can pay half July 1, 2012 and the other half January 1, 2013; if not paid by then, then lift the reduced amount*

*GL - second – carries with CS opposed*

21) Advisory Opinion: Larry Braman, ISD of Cambridge, 13.1, how they apply

TH - CVS pharmacy minute clinics; do the exam tables have to comply  
- typically they take over some existing space



DM - yes required to comply, not requiring overnight accommodations

TH - putting in the exam table is the trigger

*DM - tables have to comply*

*WW - second – carries*

22) Incoming Discussion: Eglise Restoration De La Trinite, 1272 Blue Hill Ave., Mattapan (V12-112)

TH - met with the reverend and the architect  
- their initial design was to install a lift at the entrance to the building  
- large old house on Blue Hill Avenue  
- seeking an additional two years to install lift

*DM - allow until June 15, 2013 for the installation of compliant lift; status report and copy of contract for installation by December 1, 2012*

*GL - second - carries*

23) Discussion: Cases for today

CS - why is Panera Bread coming back?

TH - we denied it as an incoming case

DL - Cathedral High School anything submitted?

TH - no

AB - original submittal said 47” by 47” elevator asked for submittal of more information  
- nothing more submitted

CS - the church?

TH - church had a large fire, multimillion dollar renovation project  
- came in in the fall seeking to open for the holiday season  
- at the time, the discussion was for the lack of access to the balcony; turns out that they may need more variances

24) Advisory Opinion: Norwood Theater, Washington St., Norwood

TH - seeking to install electric operating mechanism to access lift  
- approved design to manual operate the lift, requires full assistance due to gates built into the stage  
- came up with automated design to lift the plate of the floor of the stage  
- worried about price, just wanted to know if this was something that the Board would allow

DM - seems like it would work  
- sturdy and operational

TH - asking if the Board would allow the usage of the potential lift?

*DM - from what was submitted, appears acceptable either way*

*WW - second – carries*

25) Hearing: Panera Bread Bakery, 1684 Mass. Ave., Lexington (V12-016)

- DL - called to order at 1:00 p.m.  
- introduce the Board

Dean Roberts, District Manager (DR)

- DL - DR sworn in  
- EXHIBIT 1 – AAB1-27

- DR - patio seating, was approved during the permitting process, but is now blocked off per the request of the building department, since it is not accessible  
- creating a ramp at this location is not feasible due to the adjacent parking to the patio  
- egress would have to be back thru the café  
- ideally would like to remove gate or make the gate an exit only gate  
- the seating is accessible from the interior and there is a four season area for the café that has open windows along the front of the café.  
- plaza location, rear entrance, parking is along the rear of the building  
- four entrances overall to the building, a lot of foot traffic in the area, so the front entrance is along Mass. Ave., with an entrance at the rear as well by the parking

- WW - what about ramp off the side of the patio?  
DR - also thought of that, but unsure of length needed  
- would only need 6 feet of ramp  
- may be zoning ramifications for losing a parking space or two

- GL - vestibule is not 7 feet  
DR - auto-openers operate both doors

*WW - refer issue of the vestibule to the building inspector to report back about the dimensions of the vestibule*

*MT - second – carries*

- DL - concern not only for disabled patrons but also for all patrons and children just going into the parking lot

- DR - can look into ramp option

*WW - continue to have the petitioners submit a detailed plan for compliance by the next meeting by June 15, 2012*

*GL - second*

- MT - parking spaces next to the restaurant are noticeably larger?  
DR - parallel spaces next to the building

- GL - stairs?  
DR - going down to the prep area for the building

*- carries*

- CS - no accessible route to the patio thru the 4-season room

DR - have turned the chairs towards the fire place

DM - expedite

WW - second – carries

26) Incoming Discussion: Tedeschi's Food Shop, 1 First Avenue, Charlestown (V12-124)

TH - submittal from architect received today  
- went to the site on May 22<sup>nd</sup> to post stop work order  
- submitted two plans for ramps  
- both options require variances

DL - bad slopes on one portion

TH - straight ramp on sketch #6 is 1:10  
- the other ramp will be 1:10 for a portion, 1:12 for the rest

CS - less than 3 feet between the handrails  
- handrails only at one side as noted in the letter

TH - the expansion of the deli is almost done  
- the day after the Board made the decision to issue stop work order, sent email to ISD and Gary Moccia  
- got an email back from Moccia that said that there was no permit for the work; but there was a permit posted in the window when arrived at the facility  
- temporary ramp in place at the time of the site visit  
- the submitted option is the two options proposed  
- they want to install option 7 ramp  
- the top section of the ramp is pinched between already constructed walls

DM - would rather see the width widened

TH - got a letter from the owner of the chain

DM - *accept sketch 7 as proposed, on the condition that the 2'11" pathway is expanded to be a minimum of 42" wide, and expand the width of the portion of the landing, with the understanding that the deli case can remain in that location*

CS - second – carries

DM - lift the stop work order

WW - second – carries

DM - *compliance with the ramp work to be completed no later than July 1, 2012, with photographic evidence submitted at that time*

WW - second – carries

27) Advisory Opinion: John Weeks Footbridge, over the Charles River, Boston & Cambridge

TH - DCR large renovation project  
- proposing accessible route over the stairs up to the bridge  
- either option for 9% slope with landings or 8.3% slope completely over the bridge without landings  
- remove steps entirely

- both options need variances, either for no landings or steeper slope with landings

*DM - both options are viable, but both options will require a variance*

*CS - second - carries*

28) Hearing: Cathedral High School 74-76 Union Park St., Boston (V09-109)

DL - called to order at 2 p.m.

- introduce the Board

Matthew Juros, Architect (MJ)

DL - MJ sworn in

- EXHIBIT 1 – AAB1-19

MJ - intention was to complete the project as designed over time

- it became clear over the first two years that the fundraising was not going forward as planned, the project was put on hold

- a grant was given to the school and the entire project was revised; project was revised in 2011

- the decision of the board was not reconsulted when the project was revised

- the new plan will install an elevator in the existing connector building

DL - did the fundraising get the project thru phase 1 and 2

- what was the goal of the fundraising for phase 3 at the time

MJ - total cost estimate for the project \$11,000,000.00

DL - \$11,000,000.00 was going to be financed by serious fundraising

MJ - Cathedral HS is run by a board of directors separate from the arch diocese

- \$17,000,000.00 gymnasium

- next project was \$13,500,000.00

- they have fundraising plans that they undertake, continuation of gymnasium fundraising; also have relationships with financing companies in Boston

DL - what is the expectation to comply with the commitments previously ordered by the board

MJ - proposing to have the access upgrades completed in June of 2013 and ready for the start of school in 2013

- received a grant, which spurred the last revision of the master plan for the accessibility and modest improvements to the existing convent buildings

DL - will this work be fully compliant when the work is done?

MJ - that is the intention of the school

CS - two other conditions of the previous decision

- policy for disabled students, parents, guardians

MJ - policy is established, and pretty sure submitted to the Board

MJ - currently policy in place, that students carry people with disabilities into the building

-

- CS - more information regarding the elevator cab size
- AB - AAB 17 letter says 47" by 42" inches
- CS - wanted to know the size of the shaft
- MJ - existing elevator cab and shaft are not modifiable, therefore new cab and shaft  
- all floors line up, and able to have doors on each side of the proposed elevator with each floor of the buildings served by the new elevator  
- connector building is essentially the elevator lobby building  
- in the high school ramp in the building to connect basement changes in level
- CS - does the website make note of the lack of access to the school?  
MJ - can put the project notice on the school's website that the school will be accessible for the start of 2013
- AB - need plans and letter regarding commitment
- MJ - read letter into the record regarding proposed access project and date for compliance by June 2013, with operational access by September 2013
- DL - are there other entrances that are not going to be accessible, since only the waltham street entrance will be accessible via the elevator  
MJ - yes there are other entrances that will not be accessible; but the Waltham street entrance will be the new main entrance to the building
- DL - may have already considered previously
- MJ - first phase was to upgrade bathrooms to be made accessible  
- but will make sure to cover the existing entrances
- RG - do the steps have to be demolished to create the elevator shaft  
MJ - new entrance, with an entrance at grade right into the elevator lobby
- MJ - elevator is visible from the receptionist desk; staff are always physically posted at the entrance during drop-off and pick up
- TH - elevator needs to be usable at all times that the building is open; but there is also the need to monitor the entrance as a whole for security reasons  
MJ - there will be a camera monitored door lock system
- DL - route to the gym?  
MJ - everyone goes outside to access the gym
- DM - concern with never hearing about what was going on with the project  
- want to make sure the work gets done this time  
- would feel more comfortable putting a fine in place that is stayed until this work is done  
- have fines accrue until that time; need progress reports submitted as well

- DM - *due to lack of correspondence since the previous project, fines of \$500/day seven days a week, that will be forgiven by June 1, 2013, if and when the following conditions are met:*
- *copy of the contract with the elevator company*
  - *plans for the proposed work (detailed)*
  - *progress report submitted by 10/1/12 and 1/1/13 and 4/1/13*
  - *documentation upon completion of the project*
  - *and an amended variance application for any outstanding items, i.e. other entrances*
  - *copies of the building permits*
  - *copy of the contract for the construction of the shaft*
- GL - *second -*

- DL - letter June 4, 2012 regarding the project summary – EXHIBIT 2
- MJ - can submit floor plans, but can submit permit plans as well
- EXHIBIT 3 – floor plans

- CS - can't support the amount of fines
- WW - can't support the fines amount as well
- CS - would rather start assessing them after a deadline is missed

*- carries with DM, GL, AB, RG in favor; and CS, MT, and WW opposed*

- CS - *post a notice on the school's website notifying them that the project is in the works*
- GL - *second – carries with GL, AB, CS, and RG and DM, MT, and WW opposed*

\*\*\* No More DM \*\*\*

29) Discussion: Fogo de Chao Churascaria, 10 Huntington Ave, Boston (V12-074)

- TH - plan submittal on 6/4/12
- requested further information regarding the proposed vertical wheelchair lift
- plan details lift installation

CS - *accept the submitted plan on the condition that the lift is installed, inspected and in working order prior to the issuance of an occupancy permit for the restaurant; submit copy of the deposit check and the contract for the lift, to be submitted within 30 days receipt of the decision*

GL - *Second – carries*

30) Hearing: Central Congregational Church, 2 Webster St., Middleboro

- DL - called to order at 3 p.m.
- introduce the Board

Robert Mather, Attorney for the Central Congregational Church (RM)

Bruce Smith, Pastor for Central Congregational Church (BS)

Neal Kidney, Alpha Construction (NK)

- DL - all sworn in
- EXHIBIT 1 – AAB1-52

RM - originally built in 1848

- landmark in Middleboro
- spire is the largest building in Middleboro
- in national historic district
- on Memorial Day 2009, fire nearly destroyed the entire building
- 3 year construction project
- free-standing chapel building that was located on the site, detached, that was moved forward to be on the same plane as the church, and connected the two buildings
- originally weren't aware of any significant issues with access
- knew that had to provide access for persons with disabilities
- prior to the fire, there was one access point to the building and one elevator that did not reach all levels of the building

BS - original elevator was only a 2-stop elevator

RM - main worship area is above street level, the second floor of the building

- stop up to the altar as well
- all levels accessible, with the exception of the balcony
- church was reconstructed to meet previous design of the church prior to the fire
- the building inspector pointed out that the lack of access to the balcony
- all other doors are not accessible, but will be addressed
- now there are four issues
- would like to start with the balcony
- seating for 250 in main area, seating for 20 in the choir area, and seating for 39
- would like to use the balcony for overflow when needed
- cost of the lift is not an issue, but the issue is the stair layout, cost \$133,395.00 to redesign stairs
- exterior shaft (\$110,000.00) and then installation of the lift (\$25,000.00), excessive cost
- have already used up all of the insurance money
- have been strongly advised against the installation of the exterior shaftway
- not all of access points are accessible

TH - also need variance for winder stairs to the balcony; and possible issue with the lack of compliance handrails

CS - accessible seating locations at the main floor?

NK - two accessible locations at the front and two accessible locations at the rear

CS - choir access?

RM - av items available at the main floor

BS - video can be operated from the first floor, but sound is operated at the upper level

RG - is that person an employee of the church?

BS - not presently, just a volunteer for the church

DL - audio system is just turned on now?

BS - yes, but there is a desire to have video in the future, and also record the services

MT - may be an issue with nosings as well

CS - *grant the variance for the lack of vertical access to the balcony, to be used for overflow seating only, based on the testimony and based on the fact that the petitioners had proven that full compliance would*

*be an excessive cost without substantial benefit to persons with disabilities; and on the condition that all audio/video can be operated from first floor*

MT - second – carries

MT - need variance for inside handrail, on the condition that compliant wallside

MT - *grant variance for the inner handrails for the two stairs to the balcony, on the condition that compliant, continuous handrails are installed*

CS - second – carries

DL - nosings appear to possibly not be compliant, need to look into what exists

NK - stairs are existing, and what was there before

MT - *continue the discussion regarding 521 CMR 27.3 to have the petitioners submit more information regarding the existing stair nosings for all stairs*

WW - second – carries

RM - front door is main issue

- front door enters to very small lobby; with stairs down to a classroom elevator, or go up stairs to the main worship area

- both areas are accessed by the elevator

- side entrance is the primary entrance to the building

- front doors are locked during the week, only open on Sundays

- majority of people enter through side street entrance, where the majority of parking is located

- front entrance is two steps up to the entrance level, but issue is the change in level at the entrance lobby

- a lift at this location is the lack of 44 inches of spaces between potential lift and stairway, would require cutting of one of the stairwells

- only solution would be to structurally change stairwell or create exterior shaft

- accommodation for bridal party if any member of the bridal party is disabled, there would be a temporary partition put in place to block the line of site for the bridal party

CS - what about wedding pictures at the front of the church?

TH - just one step up to the front door

NK - the doors are only 30 inches wide

TH - that requires more variances as well

CS - *grant the variance for the front entrance, based on technological infeasibility*

MT - second – carries

TH - other entrance doors

CS - stairs added at inaccessible entrance?

BS - yes, used to be a ramp that only served classroom areas; but the ramp was moved further down to create more direct access to the elevator lobby

DL - doors directly adjacent to the ramp at the porch are repetitive to the ramp entrance doors

WW - *grant the lack of access at the porch entrance doors adjacent to the ramp entrance; based on exc. cost without benefit*



- MT - second – carries
- BS - entrance with vestibule accesses to the classroom spaces  
- the ramp entrance is open most often, sometimes the other doors are locked
- DL - need directional signage at inaccessible entrances?  
TH - yes, just contrasting colors
- MT - whenever the vestibule entrance is open, the ramp entrance is open?  
BS - yes
- CS - how do you get from the ramp to the multipurpose room
- WW - *grant the variance for the lack of access at the entrance that leads to the classroom area, based on exc. cost without benefit*  
MT - second – carries
- DL - two entrances to the multipurpose room  
RM - need to create access to one of the two entrances to the multipurpose room  
- it is a basketball court, but is used as multipurpose room  
- there is another door provided as well
- MT - *continue the discussion regarding the multipurpose room entrances to have the petitioners submit a plan for compliance for at least one entrance*  
WW - second – carries
- MT - *continue the discussion regarding the entrance door to the stairway*  
WW - second – carries
- WW - *grant the variance for 29.2.3 change in level at the front entrance from lobby to classrooms by toilet rooms*  
GL - second – carries
- TH - also issue with toilet rooms at the front entrance lobby
- WW - *continue the discussion regarding the front entrance two small bathrooms to get more information on dimensions*  
MT - second – carries
- RM - steps up to the choir area at the altar area  
- seating locations at the altar level
- DL - what else is used at the levels?  
BS - baptistery at the top level of the choir  
- there is a sprinkling baptistery at the accessible level, but the baptistery at the top is a full emersion baptistery  
- choir has been at the front of the chancel level
- CS - *grant the variance for the lack of access up to the choir changes 29.2.3*  
GL - second – carries

TH - lack of access to the baptistery

WW - *grant the variance for the lack of access to the baptistery on the condition that policy submitted regarding baptism procedures*

GL - *second – carries*

WW - *continue on the nosings for all other stairs*

GL - *second – carries*

WW - *grant the variance for the lack of interior stair handrails, on the condition that compliant wallside handrails are installed*

GL - *second – carries*

CS - *all required submittals be submitted by July 12, 2012*

MT - *second – carries*

\*\*\* No more DL \*\*\*

MT as Acting Chair

31) Discussion: Winthrop Estate, 101 Yokun Avenue, Lenox

TH - no variance yet, but emails go back to 2010

- single family home mansion used as function space

- been fighting with the building department for years about access

- argument that they are renting the building as single family home for events

- have been told by building department that cannot hold any events, issued cease and desist for the

building

- Petitioners submitted a full review of the building, they intend to submit a variance request for time to bring the building into compliance

- compliance already triggered previously

- they need sprinklers and fire alarms system, along with access

- 20 plus rooms

- originally weren't proposing any vertical access, 3 floors above and large basement walkout space

- seeking to use the building thru the summer

CS - *deny the use of the building until such time that the building inspector has lifted the cease and desist order for the lack of compliance with 521 CMR and 780 CMR*

- *until such time that ...*

- *in support of the building inspector*

- *so motion is to deny the use of the building in support of the building inspector*

GL - *second – carries*

CS - *require that a plan for compliance or application for variance no later than July 12, 2012*

AB - *second – carries*

\*\*\* No more GL \*\*\*

32) Incoming: Williams College, Jewish Religious Center, 24 Stetson Ct., Williamstown (V12-137)

TH - EXHIBIT – variance application

CS - *hearing*

WW - *second – carries*

33) Discussion: Jubilee Yacht Club, 127 Water St., Beverly (V10-078)

TH - need to discuss at next hearing

CS - *motion to table the discussion to the June 18, 2012 meeting*

AB - *second – carries*

34) Discussion: Ranch Gold Course, 65 Sunnyside Rd., Southwick (C09-071)

TH - complainant is regarding route, an inaccessible route is 150 feet apart

- route from parking to the accessible route to the proshop an club house, another location with stairs

- distance of 150 feet

- accessible route is closer to the accessible parking location

WW - situation where accessible parking is located further away, could the parking be located closer to make the route shorter

TH - project was the stairs

- replacement stairs

WW - *motion to dismiss*

AB - *second – carries with WW and AB in favor, CS opposed, RG abstains*

35) Discussion: Elwood, 100-108 Russell St., Hadley (C10-058)

TH - complaint citing a pedestrian route not being compliant

- two cape cod birms with a brick walkway

- just a connection to two sides of the parking lot

- will have to represent on the 18<sup>th</sup>, unsure of parking location

36) Discussion: Meeting Minutes and Decisions from 5/21/12

KS - any changes?

- Deluca's Market, need to deal with handrail extensions to the wine cellar

WW - *have staff do site visit to determine if handrail extensions are feasible*

AB - *second – carries with CS abstaining*

WW - *include that decision and send*

AB - *second – carries with CS abstaining*

WW - *accept decision and minutes from 5/21/12*

AB - *second – carries with CS abstain*

- End of Meeting -